



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: June 21, 2006

Time: Closed Session 5:30 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Jennifer M. Perrin

Interim City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### **C-1 Call to Order / Roll Call**

### **C-2 Announcement of Closed Session**

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Association of Lodi City Employees regarding General Services and Maintenance and Operators, pursuant to Government Code §54957.6

### **C-3 Adjourn to Closed Session**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### **C-4 Return to Open Session / Disclosure of Action**

#### **A. Call to Order / Roll call**

#### **B. Invocation – Pastor Frank Nolton, New Hope Community Church**

#### **C. Pledge of Allegiance**

#### **D. Presentations**

- D-1 Awards – None
- D-2 Proclamations – None
- D-3 Presentations – None

#### **E. Consent Calendar (Reading; comments by the public; Council action)**

- E-1 Receive Register of Claims in the amount of \$5,694,955.56 (FIN)
- E-2 Approve minutes (CLK)
  - a) May 16, 2006 (Shirtsleeve Session)
  - b) May 16, 2006 (Special Meeting)
  - c) May 23, 2006 (Shirtsleeve Session)
- E-3 Report of the disposition of surplus personal property (sale of scrap metal) (EUD)
- E-4 Approve sale of surplus overhead all aluminum conductor and related material to Merced Irrigation District (EUD)
- E-5 Approve plans and specifications and authorize advertisement for bids for Well 27 improvements at 2360 West Century Boulevard (DeBenedetti Park) (PW)

- Res. E-6 Adopt resolution rejecting the sole bid for 15,000 feet of #1/0 600-volt triplex, approve revised specifications, and authorize the advertisement for bids for 20,000 feet of #1/0 600-volt triplex (EUD)
- Res. E-7 Adopt resolution awarding the contract for tree trimming (power line clearing) to Trees, Inc., of Houston, Texas (\$350,000) (EUD)
- Res. E-8 Adopt resolution authorizing the City of Lodi to contract for wireless services from Verizon Wireless under the terms of the State of California Contract for Wireless Services (Master Contract #IS-05-58-02) (ISD)
- Res. E-9 Adopt resolution approving final map and improvement agreement for the public improvements for 495 North Guild Avenue and appropriating funds for required reimbursements (\$13,150) (PW)
- E-10 Authorize the City Manager to execute amendment to encroachment permit agreement for 115 South School Street (PW)
- Res. E-11 Adopt resolution authorizing the City Manager and designee to execute and file applications for Federal assistance with the Federal Transit Administration (FTA) and all associated activities on behalf of the City of Lodi and authorizing the City Manager, City Attorney, and Transportation Manager to be assigned personal identification numbers for all required FTA Transportation Electronic Award and Management System activities (PW)
- Res. E-12 Adopt resolution authorizing transit services outside of regular service operations for the listed annual events and authorize the Transportation Manager to advertise to determine if a willing and/or able provider exists for these events (PW)
- Res. E-13 Adopt resolution authorizing the City Manager to execute an amendment to the contract with Greyhound Bus Lines, Inc. to approve receipt of commission for additional services (PW)
- Res. E-14 Adopt resolution authorizing the City Manager to execute the Direct Payment Program agreement with the State of California Department of Community Services and Development for the term of July 1, 2006 through June 30, 2009 (FIN)
- Res. E-15 Adopt resolution authorizing the City Manager to execute an amended and restated Project Agreement No. 5 for the participation in the WestTrans Open Access Same Time Information System (EUD)
- Res. E-16 Adopt resolution amending Lodi Electric Utility Department's rules to parallel the California Public Utilities Commission's rules concerning the amount of liability insurance required for small electrical generators that are interconnected with Lodi's system (EUD)
- E-17 Authorize staff to issue letter of opposition relating to AB 573 (Wolk), which would restrict the types of indemnification clauses that may be included in a public agency contract with a design or engineering professional or firm (CA)
- Res. E-18 Adopt resolution waiving fees for house fundraiser by Hutchins Street Square Foundation (COM)
- E-19 Set public hearing for July 5, 2006, to consider adoption of ordinance establishing low-income discounts for water and wastewater ratepayers (CA)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Comments by the City Council Members on non-agenda items**

**H. Comments by the City Manager on non-agenda items**

**I. Public Hearings**

- Res. I-1 Public hearing to consider resolutions adopting Final Engineer's Annual Levy Report for Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, Fiscal Year 2006-07, and ordering the levy and collection of assessments (PW)
- Res. I-2 \*Public hearing to consider the appeal from Mohammad Dawood Khan and Rehana Khan regarding the requirements of a Notice and Order to Repair dated April 19, 2006, for the property located at 505 E. Pine Street (APN 043-170-03) (CD)  
**NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31**  
*\*Appeal has been withdrawn by the appellants; no action will be taken on this matter*

**J. Communications**

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments  
a) Post for two vacancies on the Greater Lodi Area Youth Commission (Student Appointees) (CLK)
- J-3 Miscellaneous  
a) Monthly Protocol Account Report (CLK)

**K. Regular Calendar**

- Ord. K-1 Introduce ordinance enacting the Fire and Facilities Sales Tax initiative (CA)  
(Introduce)
- Res. K-2 Adopt resolution implementing the treatment and direct utilization of the surface water supply from the Woodbridge Irrigation District contractual allotment and authorizing solicitation of proposals for technical studies of implementing this option (PW)
- Res. K-3 Adopt resolutions approving the 2006-07 Financial Plan and Budget and the 2006-07  
Res. Appropriations Spending Limit (CM)
- Res. K-4 Adopt resolution affirming July 1 opening and October 1 closing date for filing applications for residential allocations under the Lodi Growth Management Ordinance (CA)
- K-5 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$15,561.48) (CA)

**L. Ordinances – None**

**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Jennifer M. Perrin  
Interim City Clerk